

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA



6:09-1623-HFF

NOTICE TO COUNSEL

The attached Conference and Scheduling Order contains a number of important changes required by recent amendments to the Federal Rules of Civil Procedure, effective December 1, 2000. Additional amendments became effective August 1, 2001.

Counsel should carefully review the Order and note all deadlines on a calendaring system.

Counsel should also review the referenced rules and become familiar with these significant changes.

The amended Local Civil Rules for the District of South Carolina are available at:

www.scd.uscourts.gov.

s/Henry F. Floyd
United States District Judge

September 17, 2009
Spartanburg, South Carolina

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

)	C/A No. <u>6:09-1623-HFF</u>
Walter Krantz)	
Plaintiff(s),)	
)	
-versus-)	CONFERENCE AND
)	SCHEDULING ORDER
KLI Inc)	
Defendant(s).)	

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court, the following schedule is established for this case. Discovery may begin upon receipt of this order.

1. A conference of the parties pursuant to Fed.R.Civ.P. 26(f) shall be held no later than **October 7, 2009**.¹ At conference the parties shall confer concerning all matters set forth in Fed.R.Civ.P. 26(f) and whether the schedule set forth in this order is appropriate and, if not, what modifications are necessary.²
2. No later than **October 21, 2009** the required initial disclosures under Fed.R.Civ.P. 26(a)(1) shall be made.³
3. No later than **October 21, 2009** the parties shall file a Rule 26(f) Report in the form attached to this order. Parties are hereby notified that Local Civil Rule 26.03 lists additional queries to be answered in the Rule 26(f) Report.

¹Plaintiff's counsel shall initiate the scheduling of the Rule 26(f) conference with all counsel known to plaintiff regardless of whether they have filed appearances.

²The parties shall also consider whether they wish to consent to trial before a United States Magistrate Judge. See attached Notice of Availability of United States Magistrate Judge.

³Pursuant to Fed.R.Civ.P. 26(a)(1), the parties may, by stipulation, agree not to make some or all of the Rule 26(a)(1) initial disclosures. If such a stipulation is made, it shall be confirmed in writing between the parties. See Fed.R.Civ.P. 29 and Local Civil Rule 29.01.

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4. Motions to join other parties and amend the pleadings (Fed.R.Civ.P.16(b)(1)) shall be filed no later than **November 16, 2009**.⁴
5. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **December 15, 2009**.
6. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **January 14, 2010**.
7. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **January 14, 2010**. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. (See Fed.R.Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
8. Discovery shall be completed no later than **March 15, 2010**. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by discovery deadline. No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02.
9. Motions in limine must be filed at no later than **June 16, 2010**. Written responses are due five (5) days thereafter.
10. All other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed.R.Civ.P. 12, and those relating to the admissibility of evidence at trial, shall be filed on or before **March 30, 2010**. (Fed.R.Civ.P.16(b)(2)).
11. Mediation shall be completed in this case on or before **June 1, 2010**. See the Mediation Order filed in this case which sets forth mediation requirements.

⁴As a general rule, when no timely response is filed to any motion, the Court will grant the motion with the notation that it is being "granted *without opposition*."

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12. No later than **June 14, 2010** the parties shall file and exchange Fed.R.Civ.P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed.R.Civ.P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed.R.Civ.P. 32(a)(4).
13. Parties shall furnish the Court pretrial briefs five (5) business days prior to the date set for jury selection (Local Civil Rule 26.05). Attorneys shall meet at least five (5) business days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. See Local Civil Rule 26.07.
14. This case is subject to being called for jury selection and/or trial on or after **July 7, 2010**.

s/Henry F. Floyd
United States District Judge

Dated: **September 17, 2009**
Spartanburg, South Carolina

Pursuant to Local Civil Rule 83.I.08, this order is being sent to local counsel only.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Walter Krantz)	CA <u>6:09-1623-HFF</u>
)	
Plaintiff(s),)	
)	RULE 26(f) REPORT
-versus-)	
)	
)	
KLI Inc)	
Defendant(s).)	

The parties, having consulted pursuant to Rule 26(f), Fed. R. Civ. P., hereby report as follows (check one below):

_____ We agree that the schedule set forth in the Conference and Scheduling Order filed **September 17, 2009** is appropriate for this case. The parties' proposed discovery plan as required by Fed. R. Civ. P. Rule 26(f) and the information required by Local Civil Rule 26.03 are attached.

_____ We agree that the schedule set forth in the Conference and Scheduling Order filed **September 17, 2009** requires modification as set forth in the attached proposed Consent Amended Scheduling Order (use format of the Court's standard scheduling order attached hereto). The parties' proposed discovery plan as required by Fed. R. Civ. P. Rule 26(f) and the information required by Local Civil Rule 26.03 are attached.

_____ We are unable, after consultation, to agree on a schedule for this case. We, therefore, request a scheduling conference with the Court. The parties' proposed discovery plan as required by 26(f) Fed. R. Civ. P., with disagreements noted, is attached. The information required by Local Civil Rule 26.03 is also attached.

(SIGNATURE PAGE ATTACHED)

PLAINTIFF(S)

DEFENDANT(S)

Signature of Plaintiff's Counsel

Signature of Defendant's Counsel

*Printed Name of Plaintiff's Counsel
and Party Represented*

*Printed Name of Defendant's Counsel
and Party Represented*

Signature of Plaintiff's Counsel

Signature of Defendant's Counsel

*Printed Name of Plaintiff's Counsel
and Party Represented*

*Printed Name of Defendant's Counsel
and Party Represented*

Signature of Plaintiff's Counsel

Signature of Defendant's Counsel

*Printed Name of Plaintiff's Counsel
and Party Represented*

*Printed Name of Defendant's Counsel
and Party Represented*

Signature of Plaintiff's Counsel

Signature of Defendant's Counsel

*Printed Name of Plaintiff's Counsel
and Party Represented*

*Printed Name of Defendant's Counsel
and Party Represented*

Dated: _____

Dated: _____

UNITED STATES DISTRICT COURT

District of South Carolina

Walter Krantz

, Plaintiff

NOTICE, CONSENT, AND ORDER OF REFERENCE —
EXERCISE OF JURISDICTION BY A UNITED STATES
MAGISTRATE JUDGE

v.

KLI Inc

, Defendant

Case Number: **6:09-1623-HFF****NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. 636(c), and Fed. R. Civ. P. 73, you are hereby notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all further proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented

Signatures

Date

ORDER OF REFERENCE

IT IS ORDERED that this case be referred to The Honorable _____, United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. § 636(c), Fed. R. Civ. P. 73.

Date

United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED
ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE